

780 CMR R3

MANUFACTURED BUILDINGS, BUILDING COMPONENTS
AND MOBILE HOMES

PART I GENERAL

780 CMR R3.1 ADMINISTRATION

R3.1.1 Title: The BBRS, Massachusetts Board of Fire Prevention Regulations (Massachusetts Board of State Examiners of Electricians), and the Massachusetts Board of State Examiners of Plumbers and Gas Fitters herewith adopt the Rules and Regulations for Manufactured Buildings, Manufactured Building Components and Manufactured Homes.

R3.1.2 Definitions: Unless otherwise expressly stated in 780 CMR, the following terms shall, for the purpose of 780 CMR R3, have the meaning indicated in 780 CMR R3.1.2:

Approval: Approval by the State Board of Building Regulations and Standards (BBRS)

Building System: Plans, specifications and documentation for a system of manufactured buildings or for a type or a system of manufactured building components, which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety, including variations which are submitted as part of the building system.

Certification: Any manufactured building, manufactured building component or manufactured home which meets the provisions of the applicable Codes and Rules and Regulations pursuant thereto; and which has been labeled accordingly.

Code: 780 CMR or Specialized Codes as defined herein.

Department - DPS: The Department of Public Safety, Division of Inspections.

Inspection Agency: Independent agency, sometimes referred to as "third-party agency", retained by the manufacturer and approved by BBRS to perform inspections and evaluations of building systems, compliance assurance programs, manufactured buildings, and manufactured building components.

Installation: The process of affixing, or assembling and affixing a manufactured building, manufactured building component or manufactured home on the building site, and connecting it to utilities, and/or to an existing building. Installation may also mean the connecting of two or more manufactured housing units designed and approved to be so connected for use as a dwelling.

Installer of Manufactured Buildings: An individual, who on the basis of training and experience, has been certified by a specific manufacturer of manufactured homes as competent to supervise the placement and connection required to install the manufactured homes of that manufacturer. Said certification by the manufacturer shall be in writing; additionally, the certified installer shall possess picture identification in the form of a driver's license or other picture identification acceptable to the building official.

Label: An approved device or seal evidencing certification in accordance with the applicable Codes and Rules and Regulations promulgated pursuant thereto.

Local Enforcement Agency: A department or agency in a municipality charged with the enforcement of 780 CMR and appropriate specialized codes which include, but are not limited to, 248 CMR (the State Plumbing and Gas Fitting code) and 527 CMR 12.00 (the State Electrical Code) as listed in *Appendix A*.

Manufactured Building: Any manufactured building which has concealed elements, such as electrical, mechanical, plumbing, fire protection, insulation, and other systems affecting health and safety, and which is manufactured or assembled in accordance with 780 CMR and pertinent regulations, in manufacturing facilities, on or off the building site. Also, any manufactured building as defined above which does not have concealed elements, but which has been approved by the BBRS at the request of the manufacturer. "Manufactured building" does not mean "manufactured home".

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Manufactured Building Component: Any manufactured subsystem, manufactured subassembly, or other system designed for use in or as part of a structure having concealed elements such as electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety.

Manufactured Homes (Housing): As defined in 24 CFR, Part 3280.2; a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (See 24 CFR, Part 3280.2 for a more detailed description of manufactured homes as defined by the Department of Housing and Urban Development.)

Specialized Code: All building codes, rules or regulations pertaining to building construction, reconstruction, alteration, repair or demolition promulgated by and under the authority of the various agencies which have been authorized from time to time by the General Court of the Commonwealth of Massachusetts. The specialized codes shall include, but not be limited to, 248 CMR (the State Plumbing and Gas Fitting Code)and 527 CMR 12.00 (the Electrical Code) as listed in *Appendix A*.

State Administrative Agencies: Boards, commissions, departments or agencies authorized to promulgate, adopt and amend codes and rules and regulations relating to buildings and structures and parts thereof and limited to the BBRS, Massachusetts Board of Fire Prevention Regulations, Massachusetts State Examiners of Electricians, and the Massachusetts Board of State Examiners of Plumbers and Gas Fitters.

State Enforcement Agencies: Boards, commissions, departments or agencies authorized to enforce the provisions of the codes and rules and regulations which have been

promulgated, adopted and amended and which relate to buildings or structures and parts thereof and limited to the Department of Public Safety, Massachusetts Board of State Examiners of Plumbers and Gas Fitters, and the Massachusetts State Examiners of Electricians.

R1.3 Scope:

1. 780 CMR R3 shall govern the design, manufacture, handling, storage, transportation and installation of manufactured buildings, and manufactured building components intended for installation in this State and/or manufactured in this State for shipment to any other state in which such building, building components, or manufactured homes and the labels thereon are accepted.
2. The Federal Manufactured Home Construction and Safety Standards promulgated by the Department of Housing and Urban Development govern the design, manufacture, handling, storage and transportation of manufactured homes for installation in this state.
3. Subject to local zoning ordinances and by-laws, manufactured buildings, manufactured building components or manufactured homes may be sold for, delivered to, or installed on, building sites located in any jurisdiction of this State if such buildings, building components or manufactured homes have been approved and certified pursuant to the applicable Codes and 780 CMR R3.

R3.1.4 Administration and Enforcement: The BBRS and the State Enforcement Agencies shall enforce all provisions of 780 CMR R3. The State Enforcement Agencies shall have the responsibility for evaluating and recommending approval to the BBRS of building systems, and for inspecting and recommending certification of manufactured buildings and manufactured building components for compliance with 780 CMR R3 and the applicable codes. The State Enforcement Agencies and the local enforcement agencies shall accept manufactured buildings, manufactured building components, building systems and compliance assurance programs labeled and certified by inspection agencies approved by the BBRS and those manufactured homes certified as in conformance with the Federal standards by the application of the applicable required HUD label.

R3.1.5 Authorization of Third Party Inspections: Upon recommendation of the State Enforcement Agencies, the BBRS may authorize inspection agencies, sometimes referred to as third

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party inspection agencies, to perform all or part of the inspection and certification of manufactured buildings and manufactured building components, building systems and compliance assurance programs, including either or both the issuance

R3.1.6 Approvals and Compliance: Upon the recommendation of the State Enforcement Agencies, the BBRS may approve building systems and compliance assurance programs

R3.1.7 Time of Manufacture: For purposes of 780 CMR R3, a manufactured building, manufactured building component or manufactured home is deemed to be manufactured at such time as the label is attached to it in accordance with the approved compliance assurance program.

R3.1.8 Retroactive Changes: No changes in the codes, standards, specifications and requirements of 780 CMR R3 shall apply retroactively.

R3.1.9 Amendments: The State Administrative Agencies shall notify the BBRS, and the BBRS shall notify all interested parties including State Enforcement Agencies, inspection agencies, manufacturers with approved building systems, and local governmental jurisdictions of all amendments to 780 CMR R3, and each manufacturer shall have no more than 180 days following the sending of notification to submit to the BBRS compliance assurance program revisions in order to comply with such amendments. Where imminent danger to life safety is involved, the State Administrative Agencies may require that immediate effect be given such amendments to the codes, standards, specifications and requirements so adopted.

**780 CMR R3.2 COMPLIANCE
ASSURANCE
PROGRAMS**

RR3.2.1 Approval: In order to obtain approval for manufactured buildings or manufactured building components a manufacturer shall submit a building system for evaluation to the BBRS for approvals in accordance with 780 CMR R3.

R3.2.2 Suitability: Prior to a full evaluation, the State Enforcement Agencies shall determine that building systems and/or the application for approval of the compliance assurance program submitted to it are suitable for processing. In the event that the application is found to be unsuitable for processing, the applicant shall be notified in writing of such unsuitability and the basis thereof, within 30 days of the date the application is received by the BBRS. In such event, all but \$25 of the fee will be returned and the findings of unsuitability will be without prejudice. Any

and the attachment of labels thereto. The BBRS may suspend or revoke and such authorization for cause.

which comply with the codes, standards, specifications and requirements and 780 CMR R3.

subsequent submission shall be treated as a new application.

R3.2.3 Requisites: The State Enforcement Agencies may require tests to determine whether a compliance assurance program meets the codes, standards and requirements of the evaluation of plans, specifications and documentation. The procedures used shall be reviewed and evaluated by the BBRS in accordance with 780 CMR R3. The costs of such tests shall be borne by the applicant.

R3.2.4 Notification of Disapproval: In the event a compliance assurance program is disapproved by the BBRS, the BBRS shall notify the applicant with a written explanation of the reasons for such disapproval thereto.

R3.2.5 Approval - Evidence: Approval of a compliance assurance program shall be evidenced by a letter of certification issued by the BBRS.

R3.2.6 Approval - Report: The State Enforcement Agencies shall prepare and the BBRS shall issue to the applicant a building system approval report which shall include therein any conditions imposed for its use.

R2.7 Approval - Variations: A building system and compliance assurance program or any amendment there to which has been approved, shall not be varied in any way without prior written authorization by the BBRS. All amendments shall be in writing and shall be made a part of the written record of the approval.

R2.8 Amendments - Proposed: Amendments to compliance assurance programs may be proposed by submitting to the BBRS for its approval, appropriate plans, specifications, or documentation showing the effect of the proposed amendment on each building system and the required fee.

R3.2.9 Compliance Assurance Program: A manufacturer shall obtain approval from the BBRS of a compliance assurance program for his building system. Buildings or building components shall be manufactured in accordance with an approved program in order to be certified. Compliance assurance programs shall be

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submitted to the BBRS for its approval in accordance with 780 CMR R3.

780 CMR R3.3 CERTIFICATION

Manufactured buildings or manufactured building components or manufactured homes, accepted by the State Enforcement Agencies and an inspection agency as having been manufactured according to an approved building system and an approved compliance assurance program, shall be certified

R3.3.1.1 Contents: The following information shall be placed directly or by reference on one or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel, or in some other designated location acceptable to the State Enforcement Agencies, on the manufactured building or manufactured building component where it will be readily accessible for inspection:

- a. Manufacturer's name and address;
- b. Serial number of the unit;
- c. Label serial number;
- d. Name and date of applicable building, plumbing, gas and electrical codes and issue of their accumulative supplements complied with;
- e. Model designation and name of manufacturer of major factory-installed appliances;
- f. Identification of permissible type of gas for appliance and directions for water and drain connection;
- g. Snow, wind, seismic and other live loads;
- h. Electrical ratings - instructions and warnings on voltage;
- i. Special conditions or limitations on use of the units, including unsuitability for areas in which specified environmental conditions prevail;
- j. Methods of assembly or joining multiple units;
- k. Type of construction, including fire rating, occupancy class, and interior finish flame spread class;
- l. Building height and story limitation;
- m. Floor area; and
- n. Minimum side yard requirements for fire rating.

If, in the opinion of the State Administrative Agencies, the shape or size of a building component is such that this information cannot be attached to it permanently, the information may be placed in a manual crated with the component or on a tag attached to the crate in which the component is shipped, if the information is not such that the future occupant of the building should know it. If the occupant will need to know the information, it shall be contained in a manual which shall be presented

by the BBRS upon the recommendation of the State Enforcement Agencies as complying with the requirements of the applicable codes and 780 CMR R3. Certification shall be evidenced by the attachment of a label to each certified manufactured building or manufactured building component (or groups of components).

R3.3.1 Manufacturer's Data Plate:

to the occupant upon transfer of possession. If life safety is involved, the item in question shall be plainly labeled.

R3.3.2 Labels: Each manufactured building or manufactured building component which is certified pursuant to the applicable codes and 780 CMR R3, shall have permanently attached thereto, in a visible location as shown on the approved building system, an approved label which cannot be removed therefrom without destroying such label.

R3.3.2.1 Contents: An approved label shall bear the following information:

- a. "This label certifies that this building (or building component) has been manufactured in accordance with an approved building system and compliance assurance program approved by the Commonwealth of Massachusetts Board of Building Regulations and Standards and inspected by _____.";
- b. Label serial number;
- c. Building system approval number;
- d. Manufacturer's serial number;
- e. The words "See data plate located on _____."; and
- f. Date of manufacture.

At the direction of the BBRS labels and data plates may be limited in size and content for components whose shape and size does not permit the full information to be placed thereon.

R3.3.2.2 Issuance: The approved label shall be issued by the BBRS or its agents in accordance with the following:

- a. If the BBRS delegated the issuance of labels to an inspection agency, the agency shall be required to obtain approval from the BBRS for the manner in which they are handled;
- b. Labels must be serially numbered;
- c. A manufacturer's compliance assurance program submitted in accordance with 780 CMR R3 shall include requirements for issuance, possession of, attachment of and accounting for all labels to assure that labels are attached only to manufactured buildings, manufactured building components, or

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manufactured homes manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program; and

d. Upon request of the inspection agency, the BBRS may determine that the manufacturer's record of compliance is such that the inspection agency need not maintain an inspector in a given plant at all times, inspection agency may entrust labels to the custody of one or more employees of the manufacturer, who shall be charged with controlling the use of the such labels. Such

R3.3.3 Records of Labels: Permanent records shall be kept of the handling of all labels, indicating at least how many labels have been applied to manufactured buildings or manufactured building components (or groups of components), which labels have been applied to which buildings or building components, the disposition of any damaged or rejected labels, and the location and custody of all unused labels. Such records shall be maintained by the manufacturer or by the inspection agency. A copy of such records covering attachment of each label shall be sent to the BBRS on the tenth of each month and the BBRS shall forward all such records to the State Enforcement Agencies.

R3.3.4 Attachment of Labels: The inspection agency shall attach in numerical sequence labels to manufactured buildings or manufactured building components manufactured in accordance with an approved building system and meeting the requirements of an approved compliance assurance program.

Manufacturers shall attach labels in the same manner to manufactured buildings or building components manufactured in accordance with an approved building system and meeting the requirements of an approved compliance assurance program.

Manufacturers shall attach labels in the same manner to manufactured buildings or building components manufactured in accordance with a approved compliance assurance program, if custody of the labels has been entrusted to them in accordance with 780 CMR R3.3.3.4.

R3.3.5 Suspension and Revocation: The BBRS may suspend or revoke, or cause to be suspended or revoked, the certification of any manufactured building or manufactured building component which the State Enforcement Agencies or an inspection agency finds not to comply with the applicable codes or 780 CMR R3, or which has been manufactured pursuant to a building system or a compliance assurance program for which approval has been suspended or revoked, or which has not been manufactured in accordance with the approved compliance assurance program. The

employees shall not be given custody of more labels than are necessary. If the conditions of custody are violated, the BBRS or an inspection agency shall immediately regain possession of all labels that have not been applied to the manufactured buildings or manufactured building components and shall take such further action with respect to future labeling, as it may deem necessary to assure compliance with the applicable codes and 780 CMR R3.

State Enforcement Agencies or an inspection agency shall remove or cause to be removed, labels from any such manufactured building, manufactured building component or manufactured home until it is brought into compliance with the applicable codes and 780 CMR R3. Notice of suspension or revocation of certification shall be in writing with the reasons for suspension or revocation clearly set forth therein.

a. Upon suspension or revocation of the approval of any building system or compliance assurance program, no further labels shall be attached to any manufactured buildings or manufactured building components manufactured pursuant to the building system or compliance assurance program with respect to which the approval was suspended or revoked. Upon termination of such suspension or revocation, labels may again be attached to the manufactured building or manufactured building components manufactured after the date approval was reinstated. Should any building or building component have been manufactured during the period of suspension or revocation, it shall not be labeled unless the State Enforcement Agencies or inspection agency have inspected such building or building component and is satisfied that all requirements for certification have been met. If the State Enforcement Agency acts under 780 CMR R3.3.5, it must notify the inspection agency.

b. The manufacturer shall return all labels allocated for a manufactured building or manufactured building component to the BBRS no later than 30 days from the effective date of any suspension or revocation of the State Enforcement Agencies or inspection agency, of the building system or compliance assurance program pursuant to which the manufactured building or manufactured building component is being manufactured. The manufacturer shall also return to the BBRS all labels which it determines for any reason are no longer needed.

R3.6 Variations of Certified Units: Manufactured buildings, manufactured building components or manufactured homes certified and

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labeled pursuant to the applicable codes and 780 CMR R3 shall not be varied in any way prior to the issuance of a certificate of occupancy without resubmission to the BBRS for its approval of the variation and of the unit which includes the variation. The State Enforcement Agencies or an inspection agency shall inspect the manufactured building, manufactured building component or manufactured home wherever it is located and such inspection may include such tests or destructive or nondestructive disassembly as the State Enforcement Agencies or an inspection agency deems necessary to assure compliance with the applicable Codes and 780 CMR R3. Local Enforcement Agencies may be designated by the BBRS or State Enforcement Agencies as inspection agencies for such purposes.

780 CMR R3.4 INSPECTION BY THE STATE

R3.4.2 Inspection According to Compliance Assurance Programs: The State Enforcement Agencies or an inspection agency shall make such inspections as may be required by an approved compliance assurance program, or as may be deemed necessary by the State Enforcement Agencies.

R3.4.3 Inspection of Damaged Components: Prior to the issuance of a certificate of occupancy, the State Enforcement Agencies or an inspection agency shall inspect, or cause to be inspected, certified manufactured buildings or manufactured building components which it determines to have been sufficiently damaged after certification to warrant such inspection and to take such action with regard to such buildings or building components as is authorized hereof, or as is otherwise necessary to eliminate dangerous conditions. The local enforcement agencies may be designated by the BBRS or the State Enforcement Agencies as the inspection agency.

R3.4.3.1 Repairing Damaged Components:

The State Enforcement Agencies or an inspection agency shall require manufactured buildings or manufactured building components which are so damaged as to no longer comply with the applicable Codes and 780 CMR R3, to be repaired and made to comply within a reasonable time; or if they are so damaged that they cannot be brought into compliance, the State Enforcement Agencies or inspection agency shall order that the labels be removed from such buildings, building components or manufactured homes. A report under this section shall be filed with the inspection agency, BBRS and State Enforcement Agency.

R3.4.3.2 Irreparably Damaged Components:

Irreparably damaged buildings or building

ENFORCEMENT AGENCIES OR THEIR AGENTS

The State Enforcement Agencies shall make, or cause to be made, such inspections of the entire processing of manufacturing, certifying, handling, storing and transporting of manufactured buildings or manufactured building components produced pursuant to approved building systems as they deem necessary.

R3.4.1 Inspection of Facilities: As part of the process of evaluating building systems and compliance assurance programs, the State Enforcement Agencies shall inspect, or cause to be inspected, the manufacturing facilities in which the buildings or building components are to be manufactured.

components shall be disposed of by the manufacturer.

R3.4.4 Monitoring Inspection Agency: The State Enforcement Agencies or their designated agents shall examine each approved inspection agency, at any reasonable time, and without prior announcement, in order to monitor the reliability of each agency and of its monitoring of each compliance assurance program,. Each such examination shall investigate the adequacy of all procedures used by the agency in monitoring compliance assurance programs including inspection, tests, production methods, process controls, operator performance, materials, receipts, storage and handling, workmanship standards, records and all other activities which implement the compliance assurance program in the manufacturing facility, during transport, on-site, and at critical subcontractors' facilities. The results of such examinations shall be filed with the office of the BBRS. Copies of such reports shall be sent to the inspection agency and the State Enforcement Agencies. Inspection agencies shall be specifically notified by the BBRS of any deficiencies and of the manner and time by which such deficiencies must be eliminated. If deemed necessary by the State Enforcement Agencies an inspection agency's approval may be suspended or revoked by the BBRS as provided herein.

R3.4.4.1 Prior to Approval: Such examinations may also be conducted before approving an inspection agency.

R3.5 Inspection by Disassembly: No inspection entailing disassembly, damage to or destruction of certified manufactured buildings, manufactured building components or manufactured homes shall be conducted except to implement 780 CMR R3.

780 CMR R3.5 LOCAL ENFORCEMENT AGENCY PROCEDURES AND INSPECTIONS

R3.5.1 Issuance of building permits: Upon application and in conformity with the provisions of 780 CMR, the building official shall issue building permits for installation of certified manufactured buildings, manufactured building components or manufactured housing.

R3.5.1.1 Licensed Construction Supervisors and Certified Installers: A construction supervisor, duly licensed in accordance with 780 CMR R5, shall, in accordance with 780 CMR 108.3.5, act as the agent for the owner for the purpose of applying for and obtaining any and all building permits required for the field erection of all one or two family manufactured dwellings subject to the provisions of 780 CMR 35 and applicable 780 CMR R3.

As part of the building permit application process, the licensed construction supervisor shall submit to the building official, in writing,

R3.5.1.2 Permit Application - Statement of Content: A statement that the work to be performed under such permit is to include the installation of a certified manufactured building, manufactured building component or manufactured home in accordance with the provisions of the applicable codes, the statement to be signed by the applicant or his agent, with the appropriate address.

R3.5.1.3 Permit Application - Building System: A true copy of the approved building system with respect to which the manufactured building or manufactured building component was manufactured or is to be manufactured, where one has not previously been furnished to that local enforcement agency.

R3. 5.1.4 Permit Application - Building System Approval: A copy of the Building System Report, as approved by the BBRs, where it has not previously been furnished to the Local Enforcement Agency.

R3. 5.2 Inspection of Site Preparation and Service Connections: Appropriate local enforcement agencies shall inspect site preparation work including foundations, not within the scope of the approval and certification, and the structural, mechanical, plumbing and electrical connections among units, for compliance with applicable law, rules and regulations.

R3.5.3 Compliance with Instructions: Appropriate local enforcement agencies shall inspect all manufactured buildings, manufactured

the name of the installer, who shall be duly certified by the manufacturer to install said manufacturer's product, and is identified as a *certified installer of manufactured buildings* (certified installer) by said manufacturer. The certified installer shall be responsible for the safe and proper placement and connection of the manufactured home units in accordance with 780 CMR 35, 780 CMR R3 and specialized codes as listed in *Appendix A*.

The licensed construction supervisor shall be responsible for the construction of the foundation system, and all pertinent site work, in accordance with 780 CMR 35 and 780 CMR R3 listed in *Appendix A*. The licensed construction supervisor shall provide at least 48 hours notice to the building official before the placement and connection of such units shall begin. An application to local enforcement agencies for an appropriate permit shall, when requested, in addition to any other requirements contain:

building components or manufactured homes upon, or promptly after, installation at the building site to determine whether all instructions in the Building System Approval Report or conditions listed on the manufacturer's data plate have been followed.

This may include tests for tightness of plumbing and mechanical systems, and for malfunctions in the electrical system and a visual inspection for obvious nonconformity with the approved building system.

R3.5.3.1 Disassembly Prohibited: Unauthorized destructive disassembly of certified buildings and building components and mobile homes shall not be performed in order to conduct such tests or inspections, except as provided in 780 CMR R3.3.4.3, nor shall there be imposed standards or test criteria different from those adopted by the State Enforcement Agencies or specified in the Building System Approval Report, or the "HUD's" Manufactured Home Construction and Safety Standards.

R3.5.3.2 Opening Panels: Nondestructive disassembly may be performed only to the extent of opening access panels and cover plates.

R3.5.4 Noncomplying New Units: Local enforcement agencies shall report to the BBRs in accordance with 780 CMR R3.5.6 any noncomplying manufactured buildings and building components.

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R3.5.5 Certificates of Occupancy: Appropriate local inspectors shall issue certificates of occupancy for certified manufactured buildings and manufactured homes containing certified building components which otherwise comply with all the applicable codes, after they have been installed and inspected pursuant to the applicable codes and 780 CMR R3, provided that any manufactured building or manufactured building component found not to comply with the Building System Approval Report or any manufactured home found not to comply with "Hud's" Manufactured Home Construction and Safety Standards shall be brought into compliance before such certificate of occupancy shall be issued.

R3.5.6 Reporting of Violations to Department of Public Safety: When any local enforcement agency is making an inspection and finds violations or suspected violations, it shall report the details of the violations in writing to the BBRS. Where violations are hazardous to occupants, a certificate of occupancy shall not be issued and the building shall not be occupied before such hazards are corrected. If the violations are not hazardous, a temporary certificate of occupancy may be issued.

780 CMR R3.6 FEES

R3.6.1 Deposit for Application to the BBRS: A deposit shall be required upon application to the

R3.7.2 Notification by Inspection Agencies: Inspection agencies shall notify the BBRS in writing within ten days of any of the following occurrences:

- The company name is changed;
- The main address of the company is changed;
- There is a change in 25% or more of the ownership interest or control of the company within a 12 month period;
- The location of any testing facility is changed;
- A new testing facility is established; or
- There are changes in principal officers and key supervisory and responsible personnel of the firm.

The BBRS shall notify the State Administrative Agencies of such occurrences.

780 CMR R3.8 PROPRIETARY INFORMATION

All information relating to building systems and compliance assurance programs which the manufacturer or other party considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the State Enforcement Agencies and State Administrative

BBRS to perform any of the functions in 780 CMR R3.

R3.6.2 Establishment of Fees: Fees charged by the BBRS for functions performed shall be in accordance with the fee schedule established by the State Administrative Agencies as specified in 780 CMR R3.18.

780 CMR R3.7 NOTIFICATION OF CHANGES IN NAME, ADDRESS, OWNERSHIP OR LOCATION

R3.7.1 Notification by Manufacturers: Manufacturers shall notify the BBRS in writing within ten days of any of the following occurrences:

- The corporate name is changed;
- The main address of the company is changed;
- There is a change in 25% or more of the ownership interest of the company within a 12 month period;
- The location of any manufacturing facility is changed;
- A new manufacturing facility is established; or
- There are changes in principal officers of the firm.

The BBRS shall notify the State Administrative Agencies of such occurrences.

Agencies, except as the State Administrative Agencies determine in each case, that disclosure is necessary to carry out the purposes of the applicable codes and 780 CMR R3.

PART II REQUIREMENTS FOR SUBMISSION OF BUILDING SYSTEMS AND COMPLIANCE ASSURANCE PROGRAMS

780 CMR R3.9 BUILDING SYSTEMS

Building systems shall meet the requirements set forth below to be evaluated for compliance with the standards, specifications and requirements adopted by the State Administrative Agencies.

R3.9.1 General Requirements:

R3.9.1.1 Plans, Specifications and Documentation: Building systems, including all plans, specifications and other documentation, shall be submitted in quadruplicate to the BBRS who shall act as the depository and disbursing officer of all such items. The BBRS shall forward to the appropriate State Enforcement Agencies plans, specifications and documentation for their recommendations.

R3.9.1.2 Form and Fees: Building systems shall be submitted in the form prescribed by the BBRS and shall be accompanied by all required fees.

R3.9.1.3 Identification: All documents submitted with the application shall be identified to indicate the manufacturer's name, office address and address of the manufacturing facility.

R3.9.1.4 Plans Showing Elements: Plans shall be submitted showing all elements relating to specific systems on properly identifiable sheets.

R3.9.1.5 Application - Approved Architect or Engineer: Each building system application shall bear the signature and seal of an approved registered architect or registered professional engineer certifying that the building system complies with the applicable codes and standards promulgated herein.

R3.9.1.6 On-site Work Identified: All work to be performed on-site, including connection of all systems, equipment and appliances, shall be identified and distinguished from work to be performed in the manufacturing facility.

R3.9.1.7 Space for State Administrative Agencies Approval Stamp: A 3" x 4" blank rectangular space shall be provided on all sheets of plans near the title box for the BBRS's stamp of approval.

R3.9.1.8 Material Grade and Quality: Grade, quality and identification of all material shall be specified.

- g. Interior wall and ceiling finish material.
- h. Fire separation walls.
- i. Sizes, locations and types of doors, windows and fire/smoke detectors.
- j. Recommended foundation plans, vents and underfloor access.

R3.9.2.2 Building Classification:

- a. Occupancy or use.
- b. Area, height, and number of stories.
- c. Type of construction.
- d. Fireresistance ratings.

R3.9.2.3 Space and Fire Safety:

- a. Details of fire resistance rated assemblies for all stairway enclosures, doors, walls, floors, ceilings, partitions, columns, roof and shaft enclosures.
- b. Detail of Fire Protection Systems.

R3.9.1.9 Calculations and Test Reports: Design calculations and test reports shall be specified.

R3.9.1.9.1 Drawings to Scale: Drawings shall be drawn to scale and be legible.

R3.9.1.9.2 Label and Data Plate Location: Drawings shall indicate the location of the approved label and data plate.

R3.9.1.9.3 Drawings Dated and Identified: Drawings shall be dated and identified. The number of sheets in each set shall be indicated.

R3.9.2 Required Construction Details: Building systems for manufactured buildings shall provide or show, but not be limited to, the details listed below including the method of their testing or evaluation, or both. These requirements shall apply to the building systems for building components only to the extent deemed necessary by the State Enforcement Agencies to permit a proper evaluation of the building component.

R3.9.2.1 General:

- a. Details and methods of installation of manufactured buildings or manufactured building components on foundations and/or to each other.
- b. All exterior elevations.
- c. Cross sections as necessary to identify major building components.
- d. Details of flashing, such as at openings and at penetrations through roofs and subcomponent connections. Indicate flashing material and gauge to be used.
- e. Attic access and attic ventilation.
- f. Exterior wall, roof and soffit material as well as finish.
- c. Details as to width of all aisles, exits, corridors, passageways and stairway enclosures.
- d. Toxicity and flame spread classification of finished materials.

R3.9.2.4 Structural Detail Requirements:

- a. Engineer's calculations of structural members, where appropriate.
- b. Structural and framing details of all floors, roof and walls.
- c. Details and stress diagrams of roof trusses.
- d. Details of reinforcing steel.
- e. Complete loading schedule.
- f. Column loads and column schedule.
- g. Lintel schedule.
- h. Size, spacing and details of all structural elements.

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- i. Grade or quality of all structural elements (lumber, steel, etc.).
- j. Elevation of structural elements, walls or sections thereof, providing resistance to vertical loads or lateral forces.
- k. Complete details of all structural connections.

R3.9.2.5 Mechanical Detail Requirements:

- a. Location of all equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.
- b. Heat loss and heat gain calculations.
- c. Manufacturer's name, make, model, number, BTU, input and output rating of all equipment and appliances, as appropriate, or the equal thereof.
- d. Duct and register locations, sizes, and materials.
- e. Clearances from combustible material or surfaces for all ducts, flues and chimneys.
- f. Method of providing required combustion air and return air.
- g. Location of flues, vents and chimneys and clearances from air intakes and other vents and flues.
- h. Details regarding dampers in ducts penetrating fire separations.
- i. Complete drawings of fire sprinkler system, standpipe system or smoke/fire alarm system as required.
- j. Detail of elevator or escalator system, including method of emergency operation.
- k. Duct and piping insulation thickness.
- l. Ventilation air calculations.

R3.9.2.6 Plumbing Detail Requirements:

- a. Plan or schematic drawing of the plumbing layout, including but not limited to, size of piping, fitting, traps and vents, cleanouts and valves, gas, water, and drainage system.
- b. Plumbing materials, and location of all equipment and appliances to be used. Indicate fixture unit capacity of system(s) and the make, model, and rating/capacity of equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.
- c. Make and model of safety controls (such as for water heaters), their location, and whether listed or labeled by approved agencies.
- d. How piping is to be supported and intervals of support.
- e. Location of vents above roofs and required clearances, including but not limited to clearances from air intakes, other vents and flues.
- f. Methods of testing.

R3.9.2.7 Electrical Detail Requirements:

- a. Plan of service equipment, including service entrance, conductors, service raceway and clearances above ground and above structures.
- b. Method and detail for grounding service equipment.
- c. Single line diagram of the entire electrical installation.
- d. Load calculations for service and feeders.
- e. Sizes of all feeders and branch circuits.
- f. Size, rating and location of main disconnect/overcurrent protective devices.
- g. Method of interconnection between manufactured buildings or manufactured building components and location of connections.
- h. Location of all outlets and junction boxes.
- i. Method of mounting fixtures and wiring installations.
- j. Lighting power calculations.

780 CMR R3.10
COMPLIANCE ASSURANCE
PROGRAMS FOR MANUFACTURED
BUILDINGS AND MANUFACTURED
BUILDING COMPONENTS

Compliance assurance programs shall be approved if they meet the requirements set forth in 780 CMR R3.3.10. It is the manufacturer's responsibility to execute every aspect of this program. The manufacturer shall continue to be responsible for all corrective actions required and the contractual relationship between the manufacturer and the inspection agency shall not diminish such responsibility. The manufacturer shall cooperate with the inspection agency by providing the inspection agency with all necessary reports, information, documents, records, facilities, equipment, samples and other assistance for assuring compliance.

The manufacturer's compliance assurance program shall be submitted to the BBRS in the form of a compliance assurance manual which shall contain complete documentation of all compliance assurance activities of both the manufacturer and the inspection agency. The manual shall be comprehensively indexed, and shall treat the material listed here in detail, as follows:

R3.10.1 Organization Requirements:

- a. A procedure for periodic revision of the manual;
- b. An organizational structure for implementing and maintaining the compliance assurance program and its functional relationship to other elements of the organization structure of the manufacturer, which structure shall provide for independence from the production department; Company officers and employees in charge of the compliance assurances program must be identified, and their training and qualifications specified;
- c. A uniform system of audit (in-depth analysis of program effectiveness and means to identify deficiencies) to monitor program performance periodically;
- d. Complete and reliable records of manufacturing and site operations, if any (suitable means of storage, preservation and accessibility of copies of forms to be utilized shall be included);
- e. A system to control changes in production or inspection procedures;
- f. A system to assure that working drawings and specifications, working instructions and standards, procurement documents, etc. conform to the approved building system;

- g. A serial number system for buildings or building components; and
- h. The method of safekeeping, handling and attaching labels and identification of those employees responsible therefor.

R3.10.2 Materials Control

- a. Procedure to assure effective control over procurement sources to ensure that materials, supplies and other items used in production and site operations, if any, conform to the approved plans, specifications and quality requirements;
- b. Procedures for inspection of materials, supplies and other items at the point of receipt;
- c. Method of protection of materials, supplies and other items against deterioration prior to their incorporation in the certified buildings or building component; and
- d. Provision for disposal of rejected materials, supplies and other items.

R3.10.3 Production Control:

- a. Procedures for timely remedial and preventive measures to assure product quality;
- b. Provision, maintenance and use of testing and inspection;
- c. Provision for frequency of sampling inspections;
- d. Provision of necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs;
- e. A schematic of the manufacturing operation showing the location of inspection stations, and "hold" points for mandatory inspection characteristics;
- f. Inspection and test procedures, including accept/reject criteria and mandatory inspection characteristics;
- g. Standards of workmanship; and
- h. Provision of disposal of rejects.

R3.10.4 Finished Product Control:

- a. Procedure for final inspection of all manufactured buildings or manufactured building components before shipment to the site or storage point, including identification and labeling;
- b. Procedures for handling and storing all finished manufactured buildings or manufactured building components, both at the manufacturing plant or other storage point and after delivery to the building site;
- c. Procedures for packing, packaging and shipping operations and related inspections; and
- d. Procedures for transportation, including all measures to protect against damage while in transit, and setting forth the modes of

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transportation to be utilized and the carrying equipment and procedures.

R3.10.5 Installation Control:

b. Organizational provisions for field repair and disposal of rejects.

R3.10.6 Permission for Inspection: The manufacturer shall provide the BBRs with written permission, signed and notarized, for the State Enforcement Agencies to inspect his manufacturing facilities, his products, and building sites under his control at any reasonable time without prior announcement.

R3.10.7 Inspections by the State Enforcement Agencies: The Compliance Assurance Manual shall contain detailed plans for inspections by the State Enforcement Agencies or inspection agency.

PART III APPROVAL OF INSPECTION

780 CMR R3.11 REQUIREMENTS FOR SUBMISSION

An inspection agency seeking approval shall submit a quadruplicate application to the BBRs which shall include the items listed in 780 CMR 3.11.

R3.11.1 Articles of Incorporation: The original Articles of Incorporation of the agency and all subsequent amendments thereto, as filed in the State of Incorporation.

R3.11.2 By-laws: The by-laws of the organization, if any.

R3.11.3 Business Affiliations of Members: The names, addresses and business affiliations of all members of the Board of Directors and of top management personnel.

R3.11.4 Stock : Individual interests representing more than 10% of the outstanding ownership reflecting the financial interest of the agency's Board of Directors and top management personnel.

R3.11.5 Certifications: Certification by the agency that:

- a. Its Board of Directors, as a body, and its technical personnel, as individuals, can exercise independence of judgment; and
- b. Its activities pursuant hereto will result in no financial benefit to the agency via stock ownership, or other financial interests in any producer, supplier or vendor of products

a. Installation procedures including component placement, equipment and procedures, field erection and finishing work, utility connection instructions and all appropriate on-site inspection criteria and test descriptions; and involved, other than through standard published fees for services rendered.

R3.11.6 Experience of Directors: Names, years of experience, state in which professionally registered and other qualifications of the directors of inspection or evaluation programs.

R3.11.7 Experience of Employees: Names and years of experience of employees practicing in the following disciplines: architecture, structural engineering, mechanical engineering, electrical engineering, fire protection and other branches of engineering; the state in which each is registered and the service each performs.

R3.11.8 Organization Chart: An organization chart showing management and supervisory persons including the number of graduate engineers and architects, and the names of all consulting engineers or architects, designating which are full-time and which are part-time employees.

R3.11.9 Number and Location of Personnel: Number and location of factory inspectors, supervisors, and other technicians, including evaluators of factory inspectors and the qualifications of each specialized group, including records of work experience, licenses held and other pertinent qualifications; description of types of work each group and each technician is expected to perform and the qualifications of each group and each technician to perform the work assigned.

R3.11.10 Employees Training Programs: An outline of the training program, if any, of the agency to assure that all inspectors, evaluators and other technicians are properly trained to do each job assigned to them.

R3.11.11 Employee Supervision: An outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluation of their work.

R3.11.12 Non-employees Relationships: All engineers, technicians and other personnel who will perform services for the organization but who are not employees of the organization, and the supervisory and other relationships which each will have to the agency.

R3.11.13 Products Evaluated:

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Type of products, components, equipment, structures and other items which the organization has evaluated, tested or inspected and the number of years of experience the organization has had with each, and the type of codes, standards, specifications and requirements with respect to which the organization has had experience in providing evaluation, inspection or testing

R3.11.15 State Approved in: List of the states in which the agency is now approved to inspect or evaluate manufactured buildings or manufactured building components or parts thereof for compliance with approved building systems.

**780 CMR R3. 12 PROCEDURES FOR
APPROVING INSPECTION AGENCIES**

R3.12.1 Qualifications: Upon the recommendation of the State Enforcement Agencies, the BBRS may approve inspection agencies which meet the requirements of the applicable codes and 780 CMR 3.0 and which the State Administrative Agencies find otherwise qualified to perform the functions proposed to be delegated to them.

R3.12.2 Suitability of Application: Prior to a full evaluation of an application for approval, the BBRS shall determine whether such application is unsuitable for processing. In the event the application is found to be suitable for processing, the applicant shall be notified in writing of such unsuitability and the basis thereof within 30 days of the date of the application is received by the BBRS.

In such event, all but \$25.00 of the fee will be returned, and the rulings of unsuitability shall be without prejudice. Any subsequent submission shall be treated as a new application.

R3.12.3 Approvals: In the event of approval of the BBRS, an inspection agency shall be notified by a letter from the BBRS indicating such approval and stating specifically the functions which the applicant has been approved to perform. Such approval shall not constitute the actual delegation of such functions.

**780 CMR R3. 13 SUSPENSION AND
REVOCATION**

R3.13.1 Grounds: The BBRS may suspend or revoke its approval of any inspection agency if the approval was issued in error; was issued on the basis of incorrect information; was issued in violation of any of the applicable Codes or 780 CMR R3; if the inspection agency violates any of the applicable Codes or 780 CMR R3; if examination discloses that the agency failed to perform properly; or for such other cause as may

services, and the number of years experience with each.

R3.11.14 Frequency Capability: Description of the frequency with which the agency is capable of performing inspections or evaluations.

be deemed sufficient by the State Enforcement Agencies to warrant such action.

R3.13.2 Procedures:

R3.13.2.1 General: If the BBRS suspends or revokes the approval of an inspection agency, the inspection agency shall be given notice in writing from the BBRS of the suspension or revocation with the reasons therefore set forth therein. Manufacturers being evaluated or inspected by such agencies, all local enforcement agencies within this State, and the State Enforcement Agencies shall also be notified in writing of such suspension or revocation. Such notices shall contain instructions to the manufacturer and to the local enforcement agency as to the procedures to be followed regarding manufactured buildings or manufactured building components previously certified by an agency whose approval has been suspended or revoked.

R3.13.2.2 Records: An inspection agency whose approval has been suspended or revoked shall within 90 days of the suspension or revocation deliver to the custody of the BBRS the originals of all records required to be maintained during the course of the inspection agency's operations pursuant to the applicable codes and 780 CMR R3.0

R3.13.2.3 Labels: An inspection agency for which approval has been suspended or revoked shall within 90 days of the suspension or revocation deliver to the custody of the BBRS all labels in the agency's possession, under its control, or for which it is responsible pursuant to the applicable codes and 780 CMR 3.0.

PART IV RECIPROCITY

If the BBRS finds that the standards for the manufacture and inspection of manufactured buildings or manufactured building components prescribed by statute or rules and regulations of another state, governmental agency or private agency meet the objectives of the applicable codes and 780 CMR 3.0, and are enforced satisfactorily by such other state or other agency, or by their agents, the State Enforcement Agencies shall accept manufactured buildings or manufactured building components which have been certified by

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such other state or other agency, and the BBRS shall assure or be assured that the appropriate label is attached thereto. The standards of another state or agency shall not be deemed to adequately be enforced unless such other state or agency provides for notification to the Department of suspensions or revocations of approvals issued by that other state or agency in a manner satisfactory to the BBRS and State Enforcement Agencies and so notify the BBRS. The BBRS shall notify the State Enforcement Agencies of any action taken under 780 CMR R3.3.13.

R3.14.2 Methods of Extending Reciprocity: If the BBRS find that the standards prescribed by the statute or rules and regulations of another state or another agency meet the objectives of the appropriate codes and that 780 CMR 3.0 are satisfactorily enforced, it may upon the recommendation of the State Enforcement Agencies, as provided in 780 CMR 3.2.1, extend reciprocity to that jurisdiction by:

- Giving notice to any requesting manufacturer;
- Giving notice to the Administrative Agency of the other jurisdiction;
- Giving notice to the State Enforcement Agencies and all local enforcement agencies in this state.

R3.14.3 Rejections: If the standards of the other state or other agency do not meet the objectives of the appropriate codes or are inadequately enforced, or both, reciprocity shall not be extended. In that event, the BBRS shall notify any requesting manufacturer and the Administrative Agency of the other state or other agency of the refusal and the reasons therefore.

780 CMR R3.15 PROCEDURES FOR RECIPROCITY CERTIFYING MANUFACTURED BUILDINGS OR BUILDING COMPONENTS

A manufacturer from a jurisdiction to which reciprocity has been extended shall submit to the BBRS evidence that his building system and compliance assurance program have been approved by such state or other agency. The BBRS shall verify the approval and shall notify the State Enforcement Agencies, local enforcement agencies and the manufacturer in writing of such verification and that properly labeled buildings or building components of his manufacture will be accepted.

780 CMR R3.16 SUSPENSION AND REVOCATION

The BBRS shall suspend or revoke, or cause to be suspended or revoked, the acceptance or

780 CMR R3.14 PROCEDURES FOR GRANTING OR REFUSING RECIPROCITY TO ANOTHER JURISDICTION

R3.14.1 Evaluation: The State Enforcement Agencies may evaluate the statute, codes, rules and regulations of another state or other state or other agency at any time.

certification or both of such reciprocally certified manufactured buildings or manufactured building components if the State Enforcement Agencies determine that the standards for the manufacture and inspection of which manufactured buildings or manufactured building components of such other state or other agency do not meet the objectives of the appropriate codes and 780 CMR R3.0, or that such standards are not being enforced to the satisfaction of the State Enforcement Agencies. If such other state or other agency or its agents should suspend or revoke its approval and certification, the acceptance of certification or both granted under 780 CMR 3.16 shall be revoked or suspended accordingly. Notice to the State Enforcement Agencies, local enforcement agencies, manufacturer and to the Administrative Agency of such other state or agency of such suspension or revocation shall be in writing with the reasons for such suspension or revocations set forth therein. Appeals from such suspension or revocations shall receive timely review.

PART V APPEALS

780 CMR R3.17 HEARINGS

All hearings shall comply with the applicable sections of the applicable codes and the Rules and Regulations thereof established for the purpose of appeal.

PART VI SCHEDULE OF FEES

780 CMR R3.18 ESTABLISHMENT

The following is the SCHEDULE OF FEES established by the BBRS for certifying manufactured buildings or manufactured building components. Fees shall be made payable to the "Commonwealth of Massachusetts Board of Building Regulations and Standards" and shall accompany all applications for certification.

R3.18.1 Compliance Assurance Programs and Building Systems: An initial fee of \$1,200.00 shall be charged each manufacturer for its certified compliance assurance program for each plant desiring certification. The maximum fee charged

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under 780 CMR R3.18 shall be \$1,200.00 for each manufacturing plant.

R3.18.2 Third Party Inspection Agencies: An initial fee of \$500.00 shall be charged to each third party inspection agency.

R3.18.3 Annual Renewal Fees:

- a. One year from the date of certification of the manufacturer and every year thereafter certification is in effect, there shall be paid an annual renewal fee of \$650.00 for each such certification.
- b. One year from the date of certification of the Third Party Inspection Agency, and every year thereafter certification is in effect, there shall be paid an annual renewal fee of \$500.00.

R3.18.4 Labels

- a. A fee of \$50.00 per unit of a manufactured building shall be charged for each label issued by the BBRS.
- d. Upon satisfactory proof to the BBRS of lost or stolen labels, not the result of negligence, labels may be replaced at a cost of \$2.00 each.

Note: A "unit" as used in 780 CMR R3.18 shall mean any building or proportion thereof which is towed or shipped separately to be somehow tied together at the site.

- b. A fee of \$1.00 per building component shall be charged for each label issued by the BBRS for building components.

Note: Manufacturers of building components shall be permitted to use any labels as approved by the BBRS. If such labels are supplied by any source other than the BBRS, there shall be no charge for such labels.

- c. Mutilated labels may be replaced at the option of the BBRS at a cost of \$2.00 each.

- e. Labels shall be purchased from the BBRS by the inspection agency or manufacturer.